

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

REGINALD DIXON (# 95262)

PLAINTIFF

v.

No. 4:06CV184-P-A

CHRISTOPHER EPPS, ET AL.

DEFENDANTS

MEMORANDUM OPINION

This matter comes before the court on the *pro se* prisoner complaint of Reginald Dixon, who challenges the conditions of his confinement under 42 U.S.C. § 1983. For the purposes of the Prison Litigation Reform Act the court notes that the plaintiff was incarcerated when he filed this suit. The plaintiff alleges that on July 13, 2005, he put insufficient postage on a piece of mail to be sent to a court the next morning of July 14, 2005. The mail was returned to him for additional postage, and this delay caused his submission to the court to be untimely filed. The petitioner seeks redress from the guard who took the mail from him for delivery, as well as others. Unfortunately for the plaintiff, he, himself, put insufficient postage on the pleading, and he failed to send it through the Inmate Legal Assistance Program, which keeps a log of outgoing and incoming legal mail. There is no mail log in individual units at the Mississippi State Penitentiary. The tardiness of the plaintiff's pleading is attributable to the plaintiff himself. As such, the instant case shall be dismissed for failure to state a claim upon which relief could be granted. A final judgment consistent with this memorandum opinion shall issue today.

SO ORDERED, this the 1st day of February, 2007.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE